

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

John Potter

Respondent

Civil Citation No. 56106

7331 Conley Street

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to keep premises free from accumulations of improperly stored solid waste, failure to store garbage in rodent resistant containers with tight fitting lids; section 13-7-310, failure to cease the accumulation of junk, trash and debris, manure or any materials so as not to become a food source for rats or to create a rat harborage on residential property known as 7331 Conley Street.

On November 24, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$100.00 (one hundred dollars)

The following persons appeared for the Hearing and testified: John Potter, Respondent and Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205.

B. Photographs in the file show garbage cans overflowing with bagged garbage, loose trash and garbage on the ground, and a bag of garbage on the ground outside the fence. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Respondent John Potter testified that the bag on the ground in the alley was not his garbage, and disputed whether the Citation could properly be issued for it. He further testified that the area has been cleaned up and that there are lids on the garbage cans.

D. Respondent is responsible for keeping his yard and the adjoining alley free of improperly stored garbage and accumulated trash and debris. Because compliance is the goal of code enforcement, the civil penalty will be reduced if re-inspection finds the violation has been corrected. However, the civil penalty will not be entirely rescinded, because a \$25.00 (twenty-five dollars) ticket citation was issued to Respondent in February 2009 for the same code violation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$25.00 (twenty-five dollars) if re-inspection finds the violation has been corrected, with all garbage properly stored in cans with tight lids.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.